

# CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS



## THE 3Ps: PROSECUTION, PROTECTION, AND PREVENTION

**T**he “3P” paradigm—prosecution, protection, and prevention—continues to serve as the fundamental framework used around the world to combat human trafficking. The United States also follows this approach, reflected in the United States’ Trafficking Victims Protection Act of 2000, as amended (TVPA) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). The U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons (TIP Office) employs a range of diplomatic and programmatic tools to advance the 3P paradigm worldwide. These 3Ps are inextricably intertwined and not separate or distinct concepts. Each is essential and mutually reinforces the others. In addition, a “4th P”—for partnership—serves as a complementary means to achieve progress across the 3Ps and enlist all segments of society in the fight against modern slavery.

### PROSECUTION

Effective law enforcement action to identify victims and stop traffickers is an indispensable element of government efforts to fight human trafficking. In the annual Trafficking in Persons Report, the Department of State analyzes whether governments criminalize all forms of human trafficking, vigorously investigate and prosecute human trafficking cases, and convict and sentence traffickers with prison sentences that are sufficiently stringent to deter the crime and adequately reflect the heinous nature of the offense.

An effective criminal justice response to human trafficking should treat the prosecution of cases as seriously as other grave crimes, such as kidnapping or rape. Governments should hold criminally accountable all perpetrators of human trafficking, including intermediaries aware of the intended exploitation, and should not impose suspended sentences, fines, or administrative penalties in place of prison sentences. Ideally, and consistent with the Palermo Protocol, a victim-centered legal framework should also authorize court-ordered restitution or compensation to victims in conjunction with the successful conviction of traffickers.

Non-criminal resolutions, such as mediation procedures, fall short of the TVPA’s and Palermo Protocol’s standards, which essentially define trafficking in persons as a crime to be prosecuted, not a civil wrong to be remedied by damages alone. Without prison sentences, human traffickers will not be effectively deterred.

The TIP Office works with its interagency and law enforcement partners within the U.S. government, as well as with NGOs and international organizations around the world, to assist other governments with drafting and implementing comprehensive anti-trafficking laws and vigorously prosecuting traffickers through a victim-centered, trauma-informed approach.

### PROTECTION

Protection is key to the victim-centered approach that the international community takes in its efforts to combat modern slavery. Effective victim protection entails proactively identifying victims, providing referrals for a comprehensive array of trauma-informed services, directly providing or funding NGOs to provide those services, and supporting these individuals as they rebuild their lives.

Identifying victims is a critical first step in ensuring their ability to receive the support and resources they need. Proactive victim identification efforts and training for law enforcement, first responders, licensed health care practitioners, and other service providers are critically important to a government’s ability to combat human trafficking. After identification, governments should prioritize the rights and needs of victims to ensure that protection efforts treat victims with dignity and provide them each the opportunity to return to a life of their choosing. Although victims should be encouraged to cooperate with law enforcement as they prosecute their



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trafficker, access to protection services should not be contingent upon such cooperation. The TIP Office works to build the capacity of governments and NGOs to enhance victim protection in countries worldwide.

To effectively protect foreign national trafficking victims, governments should enable them to remain in the country, work, and obtain services without fear of detention or deportation for lack of legal status or because of the unlawful acts their traffickers compelled them to commit. In addition, governments should have in place a process for victims to secure immigration relief. Safeguards should be maintained to ensure the security of victims and their family members who may be at risk of intimidation or retaliation from traffickers. In cases in which trafficking victims, either adults or children, have records for crimes their traffickers compelled them to commit, vacatur or expungement should be available.

Adequate victim protection requires effective partnerships between law enforcement and service providers not only immediately after identification, but also throughout a victim's participation in criminal justice or civil proceedings.

Comprehensive trauma-informed victim services include emergency and long-term services; intensive case management, housing, food, medical and mental health care, and legal assistance; and access to educational, vocational, and economic opportunities. Efforts to support foreign national victims of trafficking as they rebuild their lives can include voluntary repatriation and assistance in their home communities.

## **PREVENTION**

Prevention efforts are equally important to the global movement to combat human trafficking. Effective prevention efforts address the tactics of human traffickers head on. With the dissemination of accurate and targeted information, communities will be better prepared to respond to the threat traffickers pose. Strategic prevention programs can disrupt the traffickers operations by inhibiting their access to victims or diminishing the effectiveness of their coercive schemes. Meaningful partnerships between public and private sectors and civil society can expand awareness, leverage expertise, and facilitate creative solutions.

Prevention efforts should also encapsulate cross-cutting endeavors, such as developing and monitoring labor recruitment programs to protect workers from traffickers; strengthening partnerships among law enforcement, government, and NGOs; amending labor laws so they do not omit certain classes of workers from coverage; robustly enforcing labor laws, particularly in sectors where trafficking is most typically found; implementing measures, such as birth registration, that reduce vulnerabilities to trafficking; emphasizing effective policy implementation with stronger enforcement, better reporting, and government-endorsed business standards; monitoring supply chains to address forced labor, including through government procurement policies; and working to reduce demand for commercial sex.

Additionally, private sector engagement on trafficking in persons holds promise to advance prevention efforts. A push for corporate accountability calls on companies to focus additional attention on their supply chains, specifically to assess the recruitment of their workforce and that of their suppliers, including those harvesting, collecting, or mining raw materials.

Over time, new prevention measures and methods will emerge and evolve as governments and anti-trafficking stakeholders apply experience and share lessons learned. Although often the hardest to measure, prevention efforts can become more sophisticated, scalable, and effective if supported by sufficient resources and political will.

Prosecution, protection, and prevention efforts are interdependent. Indeed, the effectiveness of the 3Ps lies in their mutually reinforcing nature and complementarity. Prosecution, for example, acts as a deterrent, potentially preventing the occurrence of human trafficking. Likewise, protection can empower victims so that they are less vulnerable and more likely to thrive in their newfound freedom. A victim-centered prosecution that enables a survivor to participate in the prosecution is integral to protection efforts.

Using the 3P paradigm, the TIP Office works year-round to assess government efforts, advocate for more effective responses, and support international organizations and NGOs dedicated to combating human trafficking around the world.